



supporting Plaintiff's allegations in the First Amended Complaint and any affirmative defenses of Defendants.

Defendants do not believe significant discovery is necessary, because this matter presents primarily a question of law for the Court's resolution. Defendant Governor Greg Abbott further notes that, between April 1, 2017 and July 1, 2017, he will be engrossed in the State legislative session and will be unable to devote significant time to discovery. The parties will agree to work in good faith to complete discovery no later than April 1, 2017.

**(3) Any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced:**

The parties agree they will make discoverable e-mail communications and other electronically stored information available in PDF format or as TIFF images with a load file. All such data will be produced to the opposing party on one or more recordable compact discs, or via secure electronic transmission.

The parties have not identified any other issues that would require the court's intervention at this time.

**(4) Any issues about claims of privilege or of protection of trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include their agreement in an order:**

The parties have not identified any issues about claims of privilege or of protection of trial-preparation materials (other than the creation and production of privilege logs to be exchanged at the appropriate juncture in the proceeding). The parties intend to negotiate and execute a clawback agreement governing the inadvertent production of any attorney-client privileged or work-product material.

**(5) What changes should be made in the limitations on discovery imposed under the Federal Rules of Civil Procedure or by local rule, and what other limitations should be imposed:**

The parties do not foresee any changes or limitations to the nature or scope of discovery imposed under the Federal Rules of Civil Procedure or by the Local Rules for the United States District Court, Western District of Texas.

**(6) Any other orders that should be entered by the Court under Rule 26(c) or under Rule 16(b) and (c) of the Federal Rules of Civil Procedure:**

None.

**(7) Other matters:**

- a. Settlement is unlikely. This case involves a fundamental question of law. The parties have discussed settlement and have concluded that it is not possible due to

the nature of this dispute.

- b. No jury demand has been made. If the case is ultimately tried, the parties do not believe that this matter—which involves a question of law—is proper for resolution before a jury. The parties agree that the estimated length of trial should be no more than 3 days.
- c. The parties do not consent to trial before a magistrate judge and will file the “Notice Concerning Reference to United States Magistrate Judge” with this Court on or before 14 days after Defendant files his Answer.
- d. Because Defendants’ motion to dismiss could potentially dispose of all the claims in this case, the parties agree that it would be prudent to have the Court rule on the motion to dismiss before expending significant resources in discovery. As a result, the parties request that the Court stay the entry of a scheduling order pending resolution of Defendant’s motion to dismiss.

**Dated this the 10th day of June, 2016.**

Respectfully submitted,

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